

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Sean Mellino on 04/15/10 and 04/21/10.
3. Please amend the application as follows:
4. In claim 6, line 2, after "semi-solid", delete "gel-like,"
5. Cancel claim 10.
6. In claim 13, at line 11, after "a gel-like material", insert ", and wherein the matrix layer comprises a natural or synthetic polymer selected from the group consisting of polyacrylates, polypropylenes, polybutylenes, polyurethanes, poly-1- butenes, polyisobutene, rubbers, silicone rubbers, cellulose, chemical pulp, paper, cotton, acetylcellulose, celluloid, viscose, polyacrylonitrile, polyvinylalcohol, polyvinyl acetate, polyvinyl ether and ethylene-vinyl-acetate (EVA) copolymers".
7. Cancel claim 14.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance:

9. Present claims 1-7, 11-13, 15, and 16 are allowable over the closest prior art Kreckel et al. (US 5,244,677) and Montgomery et al. (US 4,576,817).

10. Kreckel discloses a transdermal drug delivery device (bandage strips) (adhesive die-cut article) having a drug formulation that is stored in a punched out cavity of foam material such as polyethylene foam layer 18 (see abstract, column 6 lines 65-68 to column 7 lines 1-15). The polyethylene foam layer 18 of Kreckel is equated to the matrix layer.

However, Kreckel does not teach or suggest a specific composition of the matrix layer i.e. matrix layer comprising "a natural or synthetic polymer selected from the group consisting of polyacrylates, polypropylenes...copolymers" as claimed in claims 1 and 13.

11. Montgomery discloses absorbent material such as bandages (abstract). Further, at column 1 lines 29-35, Montgomery discloses that materials such as cellulose and its derivatives, polyester, nylon, etc. have been fabricated in the form of woven fibers, foams etc. However, absent hindsight, there is no reason or motivation to combine the aforementioned teaching of Montgomery with the disclosure of Kreckel (i.e. polyethylene foam being equated to matrix) to render obvious claim limitation of matrix

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layer comprises "a natural or synthetic polymer selected from the group consisting of polyacrylates, polypropylenes...copolymers" as presently claimed in claims 1 and 13. Additionally, Montgomery does not teach or suggest claimed filler material of claims 1 and 13.

12. Accordingly, the aforementioned claims are allowed over the prior art of record.

13. Support for amended claims is found in the specification as originally filed.

14. In view of applicant's amendment and explanation of what applicant means by "gel-like" and "powdery" (see page 6 of 03/29/10 amendment), the 112-first and second paragraph rejections as set forth on pages 4-5 of the FOA are withdrawn.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANISH DESAI whose telephone number is (571)272-6467. The examiner can normally be reached on Monday-Friday, 9:00AM-5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. D./
Examiner, Art Unit 1787

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1787